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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/484,772 | 01/18/2000 | Jeffrey W. Small | 30566.86US01 | 1090 |
| 55895 7590 12/31/2008 GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045 | | | | |
| EXAMINER LUDWIG, MATTHEW J | | | | |
| ART UNIT 2178 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY W. SMALL

Application No. 09/484,772
Technology Center 2100

Mailed: December 31, 2008

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 14, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

The Examiner's Answer mailed on September 16, 2007, is missing the following heading for (11) Related Proceeding(s) Appendix.

Before further review, the examiner must mail a PTOL-90 that will include the heading (11) Related Proceeding(s) Appendix. Appropriate correction is required.

Accordingly, it is **ORDERED** that the application is being electronically returned to the Examiner:

- 1) to issue and mail a PTOL-90 adding the heading (11) Related Proceeding(s) Appendix to the Examiner's Answer; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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